

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Judge Robert W. Schroeder III

MARS, INC.

V.

TRURX LLC, et al

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CIVIL NO. 6:13CV526

MINUTES FOR JURY SELECTION AND FIRST DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
MAY 2, 2016

OPEN: 9:09 am

ADJOURN: 5:48 pm

ATTORNEY FOR PLAINTIFFS: Wesley Hill, Dominick Conde, Bill Solander, and Jennifer Hall

ATTORNEY FOR DEFENDANTS: John Keville, Rob Mooney (in house), and Erin Villasenor

LAW CLERK: Elizabeth Chiaviello

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Brenda Smith

9:00 am In chambers conference

9:09 am Case called; parties announced ready; Court welcomes parties and jury panel; introduces self and staff; gives brief history of jury service; gives brief summary of case and explains what will happen during this week;

9:23 am Members of the jury panel introduce themselves

9:36 am Mr. Wesley Hill introduces himself and other counsel representing plaintiff; identifies witnesses to be called

9:38 am Court questions panel regarding knowledge of any people named by Mr. Hill

9:39 am Mr. John Keville introduces himself and other counsel representing defendant; identifies witnesses to be called

9:40 am Court questions panel regarding knowledge of any people named by Mr. Keville

9:40 am Court questions panel if any member has ever served on a jury; #1, #13, #17, #22, #23; Court questions panel if any member or family member, etc. has ever been involved in a case; #5, #1, #12, #13, #16 (approached), #24, #25; explains burden of proof

9:59 am Mr. Hill begins voir dire

10:30 am Mr. Keville begins voir dire

10:59 am Bench conference

11:02 am #2 and #15 to stay in courtroom; remaining panel excused for break

11:04 am Bench conference

11:18 am Recess

11:44 am Jury selected and seated; remaining members dismissed.

11:48 am Panel sworn in; Court gives brief preliminary instructions

11:53 am Recess

12:49 pm Mr. Keville addresses the Court regarding demonstratives that are objected to (slides 14 and 17)

12:51 pm Mr. Conde responds; Court responds; Mr. Keville responds to the objection regarding slide 17

12:54 pm Mr. Keville responds; Court responds - slide is misleading - to be removed

12:55 pm Court overrules objection to slide 14; grants objection to slide 17

12:58 pm Jury seated; Court gives schedule for the week; preliminary instructions

1:28 pm Rule is invoked

1:30 pm Mr. Dominick Conde presents opening statement for Plaintiffs

1:58 pm Mr. Keville presents opening statement for Defendants

2:06 pm Objection by Mr. Conde; bench conference

2:08 pm Mr. Keville continues with opening statement

2:32 pm	Objection by Mr. Conde; bench conference
2:34 pm	Mr. Keville concludes opening
2:35 pm	Witnesses present sworn in; Court gives direction to witnesses
2:37 pm	Jury out
2:38 pm	Recess
2:53 pm	Jury seated
2:54 pm	Mr. Conde begins direct examination of Dr. Daniel Baker
3:00 pm	Plaintiff's Exhibit #258
3:08 pm	Plaintiff's Exhibit #262
3:26 pm	Plaintiff's Exhibit #264
3:30 pm	Plaintiff's Exhibit #263
3:33 pm	Plaintiff's Exhibit #259
3:35 pm	Plaintiff's Exhibit #260
3:38 pm	Plaintiff's Exhibit #1
3:47 pm	Mr. Keville objects - leading; sustained
3:49 pm	Defendant's Exhibit #288
3:51 pm	Mr. Keville begins cross-examination of Dr. Baker
3:54 pm	Defendant's Exhibit #144
3:57 pm	Defendant's Exhibit #94
3:58 pm	Defendant's Exhibit #97
4:07 pm	Defendant's Exhibit #200
4:13 pm	Defendant's Exhibit #167
4:22 pm	Mr. Conde objects; bench conference

4:28 pm	Mr. Keville continues with cross
4:40 pm	Defendant's Exhibit #5
4:43 pm	Mr. Conde objects; bench conference
4:44 pm	Mr. Keville continues with cross
4:44 pm	Defendant's Exhibit #147
4:44 pm	Mr. Conde objects; Court directs Mr. Keville to rephrase the question
4:48 pm	Defendant's Exhibit #111
4:51 pm	Defendant's Exhibit #106
4:55 pm	Defendant's Exhibit #99
4:57 pm	Mr. Conde objects; Mr. Keville responds; Mr. Conde responds; Court will give a little bit of leeway - lay a foundation
4:58 pm	Mr. Conde objects; Mr. Keville responds; Court - lay a foundation
4:59 pm	Mr. Conde objects; overruled
5:02 pm	Defendant's Exhibit #188
5:04 pm	Defendant's Exhibit #134
5:14 pm	Mr. Conde objects; sustained
5:15 pm	Defendant's Exhibit 357
5:16 pm	Defendant's Exhibit 341
5:23 pm	Mr. Conde objects; Court asks Mr. Keville to lay a foundation
5:24 pm	Mr. Conde begins re-direct
5:26 pm	Mr. Keville objects; sustained
5:27 pm	Mr. Keville objects; sustained
5:28 pm	Mr.Keville begins re-cross
5:31 pm	Questions submitted from jury; bench conference

5:33 pm	Court asks Dr. Baker the questions from the jury
5:39 pm	Jury excused
5:39 pm	Court will take up the issue of the report of Dr. Britven in the morning
5:40 pm	Mr. Hill advises the Court about the implication of the French Buster product
5:44 pm	Mr. Keville responds
5:47 pm	Mr. Hill responds
5:47 pm	Court advises Mr. Hill to get something written and on file by 9:00 pm; defendant's to respond by 7:00 am tomorrow
5:48 pm	Recess